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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,503	08/22/2003	Hye Jeong Jeon	24286/81401	8746

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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,503

Applicant(s)

JEON ET AL.

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15, 20 and 22-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15, 20 and 22-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/06 & 9/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Action Background

1. This action is responsive to the amendment filed on 9/25/2006.
2. Applicant has amended the specification and claims 12-15, 20, 22-26, 28-30, 32, 33, 36-38, 40, 43-47, 50, 51, 54, 57-59, 61, 64, 65 and 68. Claims 1-11 and 16-19 were canceled in the Preliminary Amendment filed 5/12/2004; claim 21 was canceled in the Preliminary Amendment filed 3/8/2005.
3. Claims 12-15, 20, 22-62 and 64-70 are pending in the case, claims 12, 20, 22, 28, 36, 43, 50, 57 and 64 are independent claims.
4. Acknowledgement is made to the applicant's submission of Information Disclosure Statements filed on 3/24/2006 and 9/25/2006.
5. Claim objections related to claims 63 and 68, as recited in the office action date 3/23/2006, are withdrawn in view of applicants amendments.

Priority

6. As previously noted, acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) to Korean applications 49966/2002 (filed 8/23/2002) and 62827/2002 (filed 10/15/2002). The certified copies of these applications have been filed in the current application.

Specification

7. The amendment filed 9/25/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: *"This information for the broadcasting program--such as title, program ID, information on broadcast such as broadcasting service, time and duration, and information on contents such as synopsis, review, and casting--is "data about data" or "metadata" (page 2, first paragraph of the response filed 9/25/2006).*

Applicant is required to cancel the new matter in the reply to this Office Action.

8. The amendment filed 5/12/2004 remains objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows: *"document contents such as a title, a summary and the like of a television program can generally be considered metadata."*

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."

10. Claims 12-15, 20 and 22-70 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

11. **Regarding claims 12-15**, the newly amended claims require: "*an invalid element to delete a metadata fragment related to a television program*", "*deletion of said metadata fragment*", "*identifying said metadata fragment*" (claim 12) "*the invalid element contains only said metadata fragment to be deleted*", "*the metadata fragment contained in the invalid element is deleted*" (claim 14) and "*the to-be-deleted metadata is identified by the invalid element*" (claim 15). The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

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12. **Regarding claim 20**, the newly amended claim require: *"updating metadata describing a broadcast program"*, *"the metadata is stored in a client"*, *"requesting an updated version of said metadata from a provider"*, *"indicates that a portion of said metadata is invalid"*, *"deleting said portion of said metadata indicated to be"*. The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

13. **Regarding new claims 22-70**, the newly amended claims are replete with new matter. Claims 22-70 are directed toward *"metadata"* of an electronic document, however the originally filed disclosure is silent with respect to metadata. Likewise, the terms *"portion of metadata"*, *"metadata stored on a client"*, *"identifying said metadata"*, *"metadata can be indicated to be invalid"* and *"updating metadata"*, are not defined nor can they even be found in the disclosure. The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

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14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."

15. Claim 65 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

16. Claim 65 recites the limitation "*said fragment*" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 65 is dependent upon claim 64. Claim 64 fails to describe a fragment.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

18. Claims 12-15, 20 and 22-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Abajian, US Patent 6,847,977, filed 6/11/2001, patented 1/25/2005.

19. **Regarding independent claim 12**, Abajian discloses supplying an electronic document based on XML. Abajian recites: *"Web page content includes HTML, XML, metatags, and any other text on the web page"* (column 4, lines 44-47). XML inherently uses a syntax defining a structure of the electronic document. Abajian discloses a document with an invalid element related to a television program. Abajian recites: *"In an exemplary embodiment of the invention, a streaming media file is retrieved and played to determine it is valid. If determined to be invalid (not successful in step 52), the Internet stream object is assigned a later time and priority"* (column 8 lines 17-22).

Abajian defines the Internet stream object as a television program. Abajian recites: *"Metadata may also be transmitted in a stream in parallel or as part of the stream used to transmit a media file (a High Definition television broadcast is transmitted on one stream and metadata, in the form of an electronic programming guide, is transmitted on a second stream)"* (column 4, lines 57-62). Abajian discloses deleting metadata related to a television program. Abajian recites: *"Promoter 82 adds, deletes, and/or updates the data (including metadata) associated with a media file in accordance with the requirements of the target search system"* (column 14, lines 64-66).

20. **Regarding dependent claim 13**, Abajian discloses an element identifier in the table shown in column 4 lines 35-43. Abajian discloses deleting as described above.
21. **Regarding dependent claim 14**, Abajian discloses deleting fragments of the corresponding document. Abajian recites: *"Promoter 82 adds, deletes, and/or updates the data (including metadata) associated with a media file in accordance with the requirements of the target search system"* (column 14, lines 64-66).
22. **Regarding dependent claim 15**, Abajian discloses invalid elements, deleted fragments and identifiers as described above.
23. **Regarding independent claim 20**, Abajian discloses updating metadata included in an electronic document. Abajian recites: *"Promoter 82 adds,*

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deletes, and/or updates the data (including metadata) associated with a media file in accordance with the requirements of the target search system" (column 14, lines 64-66). Abajian discloses an update version of the metadata. Abajian recites: "*Genre annotation comprises updating the genre metadata to ensure proper formatting*" (column 12, lines 7-9). Abajian discloses an identifier and deleting as described above.

24. **Regarding claims 22-70**, the claims are directed toward a method for the method of claims 12-15 and 20, and are rejected using the same rationale.

Response to Arguments

25. Applicant's arguments filed 9/25/2006 have been fully considered but they are not persuasive.
26. **Regarding the specification**, applicant argues that the specification amendment of 5/12/2004 does not constitute new matter (page 14 and 15 of the amendment filed 9/25/2006). Applicant is directed to the objection to the specification as restated above. Applicant argues that Figures 5 and 6 of the originally filed specification clearly show "*metadata*". However, page 6, paragraph 22, of the originally filed specification describe Figures 5 and 6 as "*exemplary views of a broadcasting program electronic document*". Page 11, paragraph 47, of the originally filed specification further describes Figures 5 and 6 as showing "*the title that is the required element is all contained, but*

the optional elements may not be contained". Applicant's showing that an electronic document has required and optional elements does not substantiate "*metadata*".

The examiner does not dispute applicant's definitions related to metadata. However applicant is attempting to incorporate the term "*metadata*" into the specification, and subsequently claim "*metadata fragments*" and "*portions of metadata*". The specification is silent regarding a definition of metadata fragments or how to determine a portion of metadata, and therefore one of ordinary skill in the art would be unable to make or use the invention based upon the specification and what was well known at the time of the invention.

Applicant further argues that paragraph 44 of the originally filed application supports "*data about data*" or "*metadata*". This paragraph is directed to describing Figure 2. Paragraphs 19 and 43 of the originally filed specification describe Figure 2 as "*a syntax structure of a broadcasting program*". Paragraph 44 describes Figure 2 as showing required and optional elements with either a solid or dotted line. Applicant's showing that a syntax structure has required and optional elements does not substantiate "*metadata*".

27. **Regarding the rejections made under 35 USC 112**, applicant traverses this rejection on pages 15-19 of the response filed 9/25/2006. Applicant is directed to these rejections as restated above. The examiner does not dispute the definition of the term "*fragment*", as supplied by the applicant. However the concept of a "*metadata fragment*" or "*a portion of metadata*" is not supported by the originally filed specification, and one of ordinary skill in the

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art would be unable to make or use the invention based upon the specification and what was well known at the time of the invention.

Applicant's definition of a fragment indicates that a fragment is part of a whole, and that a fragment of an XML document would be part of the XML document. Applicant shows further support for fragments by pointing to paragraphs 54-56 of the originally filed specification. However these paragraphs are directed toward versioning and updating for XML electronic documents. The examiner fails to see how versioning and updating are related to fragmenting, or more specifically "*metadata fragments*".

Applicant indicates on page 17, middle of the page, of the response filed 9/25/2006, that the response includes amendments for paragraph 55 of the originally filed specification. However the response filed on 9/25/2006 include amendments for only paragraphs 44 and 47.

28. **Regarding claims 12-15, 20, 22-62 and 64-70**, applicant argues that the cited prior art of record fails to disclose teach or suggest the claimed invention (pages 20-25, of the response filed 9/25/2006. Applicant is directed to the rejection of these claims as restated above. Abajian is directed toward supplying and updating XML electronic documents, including XML documents related to multimedia, such as television programs, by using document metadata and invalid elements, as described above. See also Figure 4 where supplying an electronic document is shown at reference sign 40 (described as "*Retrieve Results*"), and Figure 6, where the metadata is updated at reference sign 65 (shown as "*Correct/Replace/Add Fields*").

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

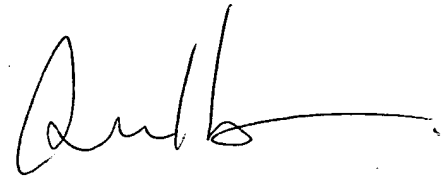
30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
March 16, 2006



STEPHEN HONG
SUPERVISORY PATENT EXAMINER